

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF WEST VIRGINIA
BECKLEY

ENTERED

MAY 17 1999

183
SAMUEL L. KAY, CLERK
District & Bankruptcy Courts
Southern District of West Virginia

UNITED STATES OF AMERICA

v.

Magistrate Case No. 5:99-M-0037

MICHAEL D. KENNEDY

O R D E R

This case originated upon the issuance of a violation notice on December 14, 1998, by the Corps of Engineers, charging the defendant with Destruction of Public Property, at Long Branch Overlook, in violation of 36 C.F.R. § 327.14a, (No. A2039044).

On May 14, 1999, the defendant appeared as instructed by the Central Violations Bureau and as ordered by this court. John L. File, Assistant United States Attorney, appeared for the United States. Also present was Thomas D. Stevens Jr., Supervising United States Probation Officer.

Pursuant to the provisions of Rule 58, Federal Rules of Criminal Procedure, the defendant was advised of his right to counsel, of his right to remain silent, and that any statement made by the defendant may be used against him.

The defendant was advised of his right to trial, judgment and sentencing before either a magistrate or a judge of the district court, and the defendant executed a "Consent to Proceed Before United States Magistrate Judge in a Petty Offense Case". After the court explained the nature of the charges to the defendant, and the


possible penalties, the defendant entered the voluntary plea of GUILTY to the violation. The court found that a factual and legal basis existed for the defendant's plea. The defendant was then afforded the opportunity to speak in mitigation of punishment.

Thereupon, the court found that the defendant is adjudged guilty and stands convicted of Destruction of Public Property, 36 C.F.R. § 327.14a, and imposed the following sentence: the defendant is directed to pay a special assessment in the sum of \$10.00, and the defendant is fined \$35.00, for a total penalty of \$45.00.

The defendant was advised of his right to appeal his sentence.

The Clerk is directed to provide copies of this Order to the defendant, Assistant U. S. Attorney John L. File, the Probation Department, the Corps of Engineers, and the United States Marshal for the Southern District of West Virginia.

ENTER: May 17, 1999



Mary S. Feinberg
United States Magistrate Judge